

August 10, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Subscriber Notification and Acknowledgement Status and Compliance
Report of Florida Digital Network, Inc. and Southern Digital Network, Inc.;
WC Docket No. 05-196**

Dear Ms. Dortch:

Florida Digital Network, Inc. ("FDN") and Southern Digital Network, Inc. ("SDN") (together, "Companies"), through their undersigned counsel and in compliance with the Commission's *VoIP E911 Order* ("Order") and the Public Notice issued by the Enforcement Bureau on July 26, 2005 ("Public Notice"), submit this Subscriber Notification and Acknowledgement Status and Compliance Report to advise the Commission of the status of the Companies' efforts to comply with Commission Rule 9.5(e).

As required by the Public Notice, FDN and SDN respond to the following questions set out in the Public Notice:

- 1) A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers.**

- (a) Existing VoIP Subscribers

FDN and SDN sent via U.S. mail to every one of its VoIP subscribers of record as of August 8, 2005 a mailing that consisted of (a) an E-911 customer notice containing the information required by new Rule 9.5(e)(1) and (b) a warning label as required by new Rule 9.5(e)(3). The notice requested that the VoIP subscriber provide an affirmative

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acknowledgement by either returning an executed acknowledgement form included in the mailing or completing an acknowledgement form on the Internet.

Over the course of the next couple of weeks, FDN and SDN intend to send out reminder notices and place follow up calls to VoIP subscribers from which they have not received affirmative acknowledgement.

(b) New VoIP Subscribers

New VoIP subscribers will be required to execute the acknowledgement prior to the initiation of service. Warning labels also will be provided in person with the service equipment delivered to the new VoIP subscriber. On or before August 15, 2005, the Companies plan to send the E-911 customer notice to any new VoIP subscriber that has signed up for service since the initial notice was mailed.

- 2) **A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.**

As of the date of this filing, FDN and SDN have received affirmative acknowledgement from less than 1% of their VoIP subscribers. FDN and SDN cannot predict with precision what its final response rate will be, but estimates that 10% of their customers will still not have provided affirmative acknowledgement by August 29, 2005.

- 3) **A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e. e-mail, U.S. mail).**

(a) Existing VoIP Subscribers

As described under Item (1)(a) above, FDN and SDN sent via U.S. mail warning labels to the addresses of record for all of their VoIP subscribers as of August 8, 2005. Included with those labels were with appropriate instructions that advise the subscriber to place the labels on or near the customer premises equipment.

(b) New VoIP Subscribers

Warning labels will be provided in person with the service equipment delivered to new VoIP subscribers. On or before August 15, 2005, Broadline plans to send the warning labels via U.S. mail to any VoIP subscriber that has signed up for service since the initial mailing of warning labels.

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- 4) **A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in [Question 1] and/or to whom the provider did not send warning stickers or other appropriate label as identified in [Question 3].**

FDN and SDN have sent advisories and warning labels to more than 97% of their VoIP subscriber base. The only subscribers that have not been sent advisories or warning labels are new VoIP subscribers who signed up for service after the initial advisories and warning labels were mailed. As noted under Items (1)(b) and (3)(b) above, FDN and SDN plan to send advisories and warning labels to these new VoIP subscribers on or before August 15.

- 5) **A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.**

FDN and SDN are continuing their campaign to contact and obtain affirmative acknowledgment from all of their subscribers. Over the course of the next couple of weeks, FDN and SDN intend to send out reminder notices and place follow up calls to VoIP subscribers from which they have not received affirmative acknowledgement. As part of their advisories, FDN and SDN are notifying their VoIP subscribers that service may be restricted if the Companies do not receive affirmative acknowledgement prior to August 28, 2005.

- 6) **A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.**

FDN and SDN are collecting the written acknowledgements and verifying those acknowledgements against their VoIP subscriber lists. The written acknowledgements are being retained in the Companies' customer files. Affirmative acknowledgements received by means of the Internet are being tracked and stored electronically.

- 7) **The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.**

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Should you have any questions regarding this filing, please contact the undersigned.

Respectfully submitted,

/s/

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